

**REMARKS UNDER 37 CFR § 1.111**

**Formal Matters**

Claims 1-38 are pending after entry of the amendments set forth herein.

Claims 1-38 were examined. Claims 1-38 were rejected.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

No new matter has been added.

**The Office Action**

In the Official Action of August 6, 2003, claims 1-38 were rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite. With regard to claims 1, 12, 24, 31 and 37, the Examiner indicated that these claims were vague and indefinite as it was not clear whether the non-reciprocal pickoff recited is in front of, or after the wavelength selection element. In response thereto, Applicants have amended claim 1 to recite that the non-reciprocal pickoff is positioned in a position selected from the group consisting of a position between the wavelength selection element and the reflector, and a position between the wavelength element and the first facet of the gain medium. Applicants reference the specification at page 12, paragraph [0036] as supporting disclosure that the non-reciprocal pickoff may be positioned either between end mirror 14 and grating 24 or between grating 24 and gain medium 12. As amended, it is respectfully submitted that claim 1 is clear and definite and is drafted to generically cover both of the aforementioned arrangements. With regard to claim 12, the Examiner noted that it was unclear as to which facet of the gain medium partially defines the external laser cavity. In response thereto, Applicants have amended claim 12 to specify that the reflector and the second facet define the external cavity. With regard to claim 31, the Examiner asserted that it was not clear as to where the non-reciprocal pickoff is in relation with the laser structure. In response thereto, claim 31 has been amended to recite that the non-reciprocal picking off takes place at a location between the gain medium and the tunable element. The Examiner further indicated that it was unclear as to what a non-reciprocal pickoff is and its functional relationship with the laser apparatus. In response thereto, Applicants have amended claims 1 and 12 to indicate that the non-reciprocal pickoff is configured to pick off a portion of spectrally clean light in the laser cavity and output it along an output path that is different from the optical path along the external cavity of the laser. Similarly, claims 24 has been

amended to recite that the non-reciprocal pickoff picks off a portion of light traveling said optical path from said wavelength selection element towards said gain medium, and output the portion having been picked off along a path different from the optical path. Claim 37 has been amended to recite that the means for non-reciprocally picking off picks off a portion of light returning from said tuning means to said gain means, and directs the picked off portion along an output path different from said optical path.

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-38 under 35 U.S.C. Section 112, second paragraph, as being indefinite, as being no longer appropriate.

Claims 1-6, 24-27, 31-32 and 37-38 were rejected under 35 U.S.C. Section 102(a) as being anticipated by Zorabedian et al. (U. S. Patent No. 6,526,071). The Examiner asserted with regard to claims 1, 24, 31 and 37 : “Zorabedian ‘071 shows a laser apparatus comprising a gain medium, a wavelength selecting element, and non-reciprocal pickoff position positioned in said light beam and pick-off a portion of light returning from tuning means, and light feedback to the gain medium.”. Applicants respectfully traverse this position, particularly in view of the further definition of non-reciprocal pickoff provided in the amended claims. Zorabedian et al. does not disclose or suggest picking off a portion of returned spectrally cleaned light and outputting that portion along an output path different from the optical path of the external laser cavity. For this reason, it is respectfully submitted that Zorabedian et al. clearly fails to anticipate or suggest any of claims 1-6, 24-27, 31-32 and 37-38, since the remainder of the rejected claims depend from claims 1, 24, 31 and 37.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-6, 24-27, 31-32 and 37-38 under 35 U.S.C. Section 102(a) as being anticipated by Zorabedian et al. (U. S. Patent No. 6,526,071) , as being inappropriate.

Claims 7, 12-22, 23, 28, 30 and 33-36 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Zorabedian et al. in view of Ershov (U.S. Patent No. 5,917,849). It is respectfully submitted that these claims are allowable over the combination applied for the same reason provided above with regard to the rejection over Zorabedian et al. solely, since Ershov does nothing to overcome the defect of Zorabedian et al. in that Zorabedian et al. lacks the disclosure or suggestion of a non-reciprocal pickoff. Although Ershov discloses the use of a polarizing beam splitter 22, this beam splitter does not function as a non-reciprocal pickoff, but is used to amplify and narrow the bandwidth of the light as it is resupplied along the optical path of the laser. Accordingly, there is no suggestion or teaching by Ershov that would have lead one of ordinary skill in the art to provide Zorabedian et al. with a non-reciprocal pickoff as claimed.

In view of the above remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 7, 12-22, 23, 28, 30 and 33-36 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Zorabedian et al. in view of Ershov (U.S. Patent No. 5,917,849) as being inappropriate.

**Conclusion**

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-2653, order number XXX.

Respectfully submitted,

LAW OFFICE OF ALAN W. CANNON

Date: \_\_\_\_\_

10/30/03

By: \_\_\_\_\_



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